

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

DARRELL KIMBROUGH, MSN, FNP-C, §
MARY BENARD, MSN, FNP-C, and §
TINA SPOHN-LEDFOORD, MSN, FNP-C; §

Plaintiffs, §

v. §

NAEEM KHAN, M.D. and §
AMARILLO URGENT CARE, LLC, §

Defendants. §

CIVIL ACTION NO. 2:18-CV-82-D-BR

DEFENDANTS' FIRST AMENDED DESIGNATION OF EXPERTS

Defendants, Naeem Khan, M.D. and Amarillo Urgent Care, LLC make this amended expert witness designation pursuant to Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure and the Scheduling Order entered by the Court on September 24, 2018 [Doc. 17] and modified on May 21, 2019 [Doc. 36.]

The following persons are non-retained experts that may be used at trial to present evidence under Federal Rule of Evidence 702, 703, or 705:

Casey S. Erick
COWLES & THOMPSON, P.C.
901 Main Street, Suite 3900
Dallas, Texas 75202
Telephone: (24) 672-2138
Facsimile: (214) 672-2338

Jeremi K. Young
YOUNG & NEWSOM, P.C.
1001 S. Harrison, Suite 200
Amarillo, Texas 79101
Telephone: (806) 331-1800
Facsimile: (806) 398-9095

Tim Newsom
YOUNG & NEWSOM, P.C.
1001 S. Harrison, Suite 200
Amarillo, Texas 79101
Telephone: (806) 331-1800
Facsimile: (806) 398-9095

Casey S. Erick, Jeremi K. Young and Tim Newsom may testify concerning the amount of attorneys' fees incurred in this matter and whether such fees are reasonable and necessary. They will testify concerning, among other things, the hourly rates of the professionals working on this case; the hours expended by each professional; the fees, expenses, or costs that were or will be incurred by the Plaintiffs and/or Defendants; and the customary and usual nature, reasonableness, and necessity of the fees, costs, and expenses that were or will be incurred by Plaintiffs and/or Defendants in this matter, including, if applicable, any appeal of the captioned case.

The testimony will be based on, among other things, the time and labor required, the novelty and difficulty of the questions involved; the skill required to perform the legal services properly; the time limitation imposed by the client or circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the lawyer or lawyers performing the services; and all other matters relevant to an award of attorneys' fees, costs, and expenses.

PRACTICE VELOCITY URGENT CARE SOLUTIONS – EXPERITY
(Experity is a May 2019 merger between Docusoap, Inc. and Practice Velocity, LLC)

Matthew Logan – General Counsel
Penny Retzlaff – Director of Billing
Chase Jensen – Software Engineer
Nathaniel Scald – Support
Specialist

8777 Velocity Drive Machesney
Park, Illinois 61115
Tel: (888) 357-4209
Fax: (815) 986-1675

Practice Velocity provides electronic health records software and services for urgent care healthcare providers. Practice Velocity generated reports, as requested by Defendants, which evidence the login and logout activity (both the time and IP address used to login or out) of Plaintiffs using the Practice Velocity software, during the time period Plaintiffs were employed by Defendants. Those reports were produced to Plaintiffs and Bates numbered D*1000-1021, in response to Plaintiffs' Request for Production No. 20 requesting "All records evidencing Plaintiff's use or access to any software or computer system used by Defendants to chart patient care provided by Plaintiff on behalf of AUC. In answering this request, provide date and time the software or system was accessed and the duration of time the software or system was accessed." Defendants reserve the right to call all employees, software engineers, programmers, agents or custodians of records from Practice Velocity, now Experity, who were involved, in any way, in generating the referenced reports. They may be called upon to provide testimony concerning their observations, actions, opinions, or conclusions arising from or related to the reports and the information generated, including the underlying data which provides the basis for the report. Their opinions will be based on their education, training, experience and expertise within their respective professional fields.

Dated: June 21, 2019.

Respectfully submitted,

COWLES & THOMPSON, PC

By: 

Casey S. Erick
Texas Bar No. 24028564
Email: cerick@cowlesthompson.com

910 Main Street
Suite 3900

Dallas, Texas 75202
Tel. (214) 672-2138
Fax. (214) 672-2338
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2019, a true and correct copy of the Defendants' First Amended Designation of Experts was delivered, via electronic mail, as follows:

Shawn D. Twing
stwing@mhba.com
Mullin, Hoard & Brown, LLP
500 S. Taylor, Suite 800
P. O. Box 31656
Amarillo, Texas 79120-1656

Elizabeth A. Chermel
Mullin, Hoard & Brown, LLP
2515 McKinney Ave., Suite 900
Dallas, Texas 75201
bchermel@mhba.com

By: 

Casey S. Erick